

April 25, 2022

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Office of Energy Infrastructure Safety
California Natural Resources Agency
715 P Street 20th Floor
Sacramento, CA 95814

BY OEIS E-FILING

SUBJECT: Southern California Edison Company's Response to Notices of Violation - SCE ATJ 202111201-01 and SCE IAG 20211116-01¹ (No Written Hearing Requested)

Dear Koko Tomassian:

Southern California Edison Company (SCE) appreciates the opportunity to provide this response to the findings identified in the Notices of Violation - SCE ATJ 202111201-01, and SCE IAG 20211116-01 received on March 23, 2022 based on Energy Safety field inspections conducted in SCE's territory in November and December 2021. Revised Notices of Violation for SCE ATJ 202111202-01, SCE ATJ 20211208-01, and SCE EDC 20211207-01 were issued on April 20, 2022 (the original Notices were issued on March 23, 2022, along with the Notices SCE addresses in this Response). Pursuant to the Revised Notices of Violation for SCE ATJ 202111202-01, SCE ATJ 20211208-01, and SCE EDC 20211207-01, SCE will submit a response and any requests for written hearing for these Notices on May 20, 2022. SCE appreciates the Office of Energy Infrastructure Safety's (OEIS) efforts to identify, communicate and work together to resolve potential wildfire risks.

The enclosed response describes corrective actions taken or planned by SCE to remedy the findings identified in the above notices and prevent recurrence.

If you have any questions, or require additional information, please contact Liz Leano at 626-302-3662 or Elizabeth.Leano@sce.com. SCE is looking forward to address findings where appropriate and work to support clarification of the inspection process as OEIS expands the geographic scope of its inspection program in 2022.

Sincerely,

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¹ Findings addressed by Notices: SCE ATJ 202111201-01 #2 and #3 and IAG 20211116-01 #2. The additional findings are addressed in SCE's response to NOV's that are subject to a written request for hearing.

Erik Takayesu
VP Asset Strategy and Planning
Southern California Edison

SOUTHERN CALIFORNIA EDISON COMPANY INTRODUCTION

For the findings discussed in this response, SCE agrees to address each issue within the timeframe provided by Energy Safety, as explained in more detail below. To simplify the response, SCE has consolidated similar findings from multiple Notices of Violations (NOV) into a single response by type of finding. This response includes findings from the following NOVs: SCE ATJ 202111201-01 and SCE IAG 20211116-01².

As shown in the detail below, SCE will correct/remediate these findings. Regarding prevention of recurrence, SCE's field inspections (both ground and aerial) are a detective control used to identify items that need to be remediated. Additionally, SCE is performing quality control reviews of completed construction in High Fire areas using a risk-based approach, which includes higher levels of sampling in higher risk areas. These quality reviews help drive continuous improvement by identifying non-conformances with SCE standards, determining causes of non-conformance, and/or driving corrective actions to improve performance. If performance falls below certain thresholds, SCE will require corrective actions.

While SCE is not requesting a written hearing for the findings addressed in this response, SCE reserves the right to raise these points in subsequent procedural stages and/or proceedings.³

- 1) SCE's alleged deviation from its own standards and protocols is not in and of itself a basis for a Notice of Violation or defect; such a deviation does not necessarily mean the requirements for such notices have been met under Government Code Sections 15474.2 or 15475.4 or California Code of Regulations, Title 14, Division 17 (Emergency Regulation) § 29302. For example, not adhering to internal construction or design standards in some cases (e.g., bolted wedge connector) should be considered neither a "violation" nor a "defect" (e.g., SCE_ATJ_20211201-01).

² This response addresses the following NOV findings: SCE ATJ 202111201-01 #2 and #3 and SCE IAG 20211116-01 #2. The additional findings are addressed in SCE's response to NOVs that are subject to a written request for hearing.

³ Government Code Section 15475.4 anticipates a "hearing" process, which traditionally implies an in-person hearing affording parties the right to present evidence and examine witnesses. The statute establishes that Energy Safety is the successor to the Wildfire Safety Division at the Public Utilities Commission, which, notably, does not have a written hearing process. Rather, parties may request an in-person hearing to address contested issues of fact. In this instance, it seems logical to assume that the statutory intent of Government Code Section 15475.4 was to establish an in-person hearing process, similar to Energy Safety's predecessor agency. While Energy Safety characterizes the process as an "appeal" in California Code of Regulations, Title 14, Division 17 (Emergency Regulation) § 29104, the statute affords electrical corporations a hearing. The Regulations should be expanded to allow the electrical corporations to request oral hearings when warranted.

- 2) Although Energy Safety has the right to refer certain issues to the CPUC for an enforcement action, the findings in these Notices do not support referral.⁴
- 3) SCE does not believe any of the findings addressed in the response support a Notice of Violation.⁵

4 For each of the notices, Energy Safety includes language stating that “Pursuant to Public Utilities Code § 8389(g), following receipt of SCE’s response to this NOV and resolution of any disputes, this matter may be referred to the California Public Utilities Commission (CPUC) for its consideration of potential enforcement action, as the CPUC deems appropriate.” None of the notices discussed herein meets the requirement for OEIS referral for enforcement action to the CPUC based on the statutory requirements that OEIS referral be based on substantial compliance with WMPs. Energy Safety cites PUC Section 8389(g) in support of a potential enforcement action. However, Section 8389(g) provides for a possible enforcement action where “an electrical corporation is not in compliance with its approved wildfire mitigation plan.” PUC Section 8386.1 further specifies that penalties shall be assessed for failure to substantially comply with a WMP.

⁵ “Notices of violation” are defined as “identifying non-compliance with an approved Wildfire Mitigation Plan or any law, regulation, or guideline within the authority of the Office.” California Code of Regulations, Title 14, Division 17 (Emergency Regulation) § 29302(b). Energy Safety has not demonstrated how the findings addressed in this Response show “non-compliance with a WMP or any law, regulation or guideline with the authority of the office”. “Notices of defect” are defined as “identifying a deficiency, error, or condition increasing the risk of ignition posed by electrical lines and equipment requiring correction.” California Code of Regulations, Title 14, Division 17 (Emergency Regulation) § 29302(b). Although SCE does not necessarily agree that all the findings addressed in this response demonstrate an increased ignition risk, the findings at most should be characterized as “defects” rather than “violations”. For example, SCE does not believe findings for NOV_SCE_IAG_20211116-01 related to incorrect pole type is a substantial WMP compliance or wildfire ignition risk issue. While SCE appreciates being notified of such an issue, it should not be classified as either a WMP violation or a defect. SCE’s response, and its agreement to remediate conditions identified by OEIS, shall not be construed as an admission that SCE believes a defect or violation exists.

SCE Response

Finding: Bolted Wedge Connector

Notice	Finding #	Structures
NOV_SCE_ATJ_20211201-01	2	4147040E, 4487750E

Summary of Findings: “Pole did not have bolted wedge connector cover installed on the center phase. Energy Safety considers this a violation for failure of adhering to protocol and in the Minor risk category.”

Response: SCE agrees to address this issue on structure 4147040E within the timeframe provided by Energy Safety. Note that these covers are called “dead-end covers” and not “bolted wedge connector covers.”

For Structure 4487750E, SCE replaced the bare portion of this structure with covered conductor on January 7, 2022. The dead-end covers were installed during this construction, so no additional remediation is needed.

Finding: Loose Bolted Wedge Connector Cover

Notice	Finding #	Structures
NOV_SCE_ATJ_20211201-01	3	676783E

Summary of Finding:

“Pole number 676783E had a bolted wedge connector cover that was loosely attached to a conductor. Energy Safety considers this a violation for failure of adhering to protocol and in the Minor risk category.”

Response: On April 5, 2022, SCE field personnel went to pole ID 676783E to review the concern. SCE has recorded this condition in SCE’s Work Management System. SCE will address the condition in accordance with Energy Safety’s correction timeline.

Finding: Incorrect Pole Type

Notice	Finding #	Structures
NOV_SCE_IAG_20211116-01	2	1922865E, X11396E, 4477213E

Summary of Findings: “Energy Safety found three structures where the pole type (i.e., wood, steel, composite, etc.) provided by SCE did not match the pole type observed in the field. SCE reported poles 1922865E, X11396E, and 4477213E as wood. Energy Safety observed that these were steel poles during inspections. Energy Safety considers this violation for providing inaccurate data to be in the Minor risk category.”

Response: Data discrepancies were due to data reference issues in the QDR reports. The data originally referenced did not reflect SCE's official system of record. Accordingly, the QDR reports submitted by SCE did not accurately reflect the correct pole material type.

While SCE recognizes that its initial QDR data submittals were not at the level needed, the issue does not reflect a violation of the WMP. In the future, SCE will ensure that the correct system of record is referenced when submitting the pole material type.